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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL UTT,

Plaintiff(s),

v.

MATTHEW HILLEGASS, et al.,

Defendant(s).

Case No. 2:17-cv-02820-RFB-NJK

ORDER

(Docket Nos. 25, 27)

Pending before the Court is a motion for extension and a motion for a medical examination. Docket Nos. 25, 27. As an initial matter, it is not clear to the Court from the description of the pre-filing conference that there is an actual dispute that a medical examination should occur. *See* Docket No. 25 at 2-4. To the extent the parties agree that there should be a medical examination, a court order compelling one is not necessary and any renewed request may be limited to any extension necessary to conduct that medical examination. *See, e.g.,* Fed. R. Civ. P. 29. In addition, it appears the pre-filing conference with respect to the extension sought broke down based on a personality issue. *See* Docket No. 25 at 4. The positions advanced in a pre-filing conference must be based on pertinent legal and factual disputes. *See, e.g., Nevada Power v. Monsanto*, 151 F.R.D. 118, 120 (D. Nev. 1993). The Court finds that a further meet-and-confer is in order with respect to the extension request.¹

¹ At any rate, the motion to extend does not provide sufficient information to address this request. Most fundamentally, the motion does not address whether an IME must be completed before the expert disclosure deadline (*i.e.*, whether a doctor completing an IME is treated as an expert for disclosure deadline purposes).

1 Accordingly, the motions are both **DENIED** without prejudice.

2 IT IS SO ORDERED.

3 DATED: March 1, 2018

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6 NANCY J. KOPPE
7 United States Magistrate Judge
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